

PELICAN BAY STATE PRISON

§ 3144

SECURITY DEPARTMENT OF CORRECTIONS AND REHABILITATION

TITLE 15

bearing only a department of security stamp
[REDACTED]
[REDACTED]

NOTE: Authority cited: section 5058, Penal Code. Reference: section 2601, Penal Code.

3144. Inspection of Confidential Mail.

To determine the possible presence of contraband all incoming confidential mail will be inspected prior to delivery to an inmate. Confidential mail will be opened and inspected for contraband only and only in the presence of the inmate addressee. Inspecting correctional officials will not read any of the contents of the confidential mail. Outgoing confidential mail may be inspected, with or without opening the mail for cause only.

(a) Cause may include, but is not limited to, the reasonable belief by correctional officials that the letter is not addressed to or is not from an official or office listed in Section 3141 or when other means of inspection indicates the presence of physical contraband in the envelope. In such instances the mail will be opened in the presence of the inmate for determination.

(b) Upon determining that the envelope contains prohibited material or that there is a misrepresentation of the sender's or the addressee's identity the letter and any enclosures may be examined and read in its entirety to determine the most appropriate of the following actions:

(1) When the prohibited material or misrepresentation of identity indicates a violation of the law or an intent to violate the law, the matter will be referred to the appropriate criminal authorities for possible prosecution. Any case referred to criminal authorities will be reported to the director. When a case is referred to criminal authorities and the determination is made not to prosecute, the fact of the referral and the determination made will be reported to the inmate and to the inmate's correspondent. The director will be informed of the outcome of all referrals to criminal authorities.

(2) When an inmate's action or complicity indicates a violation of law; the regulations set forth in this article; or approved facility mail procedures; the matter may also be handled by appropriate disciplinary action.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 2601, Penal Code; and *Wolff v. McDonald*, 94 S. Ct. 2963 (1974).

3145. Enclosures in Confidential Mail.

When the inspection of confidential correspondence discloses written or printed enclosures, the enclosures will be treated in the same manner as confidential correspondence. The inmate will not be given the enclosures or be allowed access to the enclosures except as authorized in the following subsections:

(a) The inmate may consent to an immediate examination of the enclosure by a staff member of the facility who issues mail. Such examination will be limited to the extent necessary to determine if the enclosure may be safely admitted into the facility under the standards of Penal Code Section 2601. The conclusion of the examiner will be written on the enclosure, and be dated and signed by the examiner. If the enclosure can be safely admitted into the facility, it will be given to the inmate. If in the examiner's opinion the enclosure does not meet the standards of Penal Code Section 2601 and cannot be safely admitted into the facility, it will be referred to a facility staff member at not less than the facility captain level, for final determination. If not released to the inmate at this level, the inmate will be allowed access to the enclosure only as authorized in subsection (b).

(b) The inmate may decline to consent to examination of enclosures in confidential mail by any staff member. When this occurs, the enclosure will be immediately placed in a separate envelope and the envelope will be sealed in the presence of the inmate. The outside of the envelope will be annotated with the inmate's name and number, a notice that the content consists of

unexamined confidential enclosures removed from confidential correspondence; the date correspondence was received; and the name and address of the sender. The envelope will then be placed in the inmate's unissued personal property or will be stored in another place designated by the facility. The inmate will be allowed the maximum possible access to that material for review and examination in a place or manner which will prevent the material from being read by other inmates and staff.

(c) Any person who examines the content of mail under the authority of this section, or in connection with an appeal by an inmate, of a ruling under this section must keep the content of the material which was examined in strict confidence and make no reference to the contents in any documentation which may be entered in the inmate's case file.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 2600, Penal Code, and *In re Jordan*, 12 CA 3rd 575 (1974).

HISTORY:

1. Change without regulatory effect amending subsection (a) filed 4-3-2001 pursuant to section 100, Title 1, California Code of Regulations (Register 2001, No. 14).

3146. Mail in Languages Other Than English.

Mail may be subject to a delay for translation of its contents by staff.

When such delay exceeds normal mail processing by five business days, the inmate shall be notified in writing of the delay; the reason for the delay; and subsequent determinations and actions regarding that item of mail.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2600 and 2601, Penal Code.

HISTORY:

1. Amendment filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
2. Amendment refiled 6-13-95 as an emergency; operative 6-13-95 (Register 95, No. 24). A Certificate of Compliance must be transmitted to OAL by 11-20-95 or emergency language will be repealed by operation of law on the following day.
3. Reinstatement of section as it existed prior to emergency amendment filed 12-27-95 by operation of Government Code section 11346.1(f). Certificate of Compliance as to 6-13-95 order transmitted to OAL 11-9-95; disapproved by OAL and order of repeal as to 6-13-95 order filed on 12-27-95 (Register 95, No. 52).
4. Amendment filed 12-27-95 as an emergency pursuant to Government Code section 11346.1; operative 12-27-95 (Register 95, No. 52). A Certificate of Compliance must be transmitted to OAL by 4-25-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 12-27-95 order including amendment of section transmitted to OAL 4-25-96 and filed 6-6-96 (Register 96, No. 23).

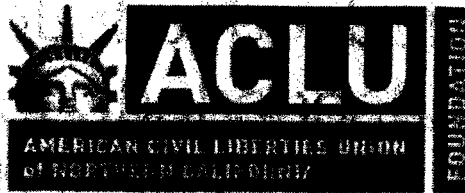
3147. Definition and Disposition of Mail.

(a) All incoming and outgoing mail shall be handled in accordance with the following:

(1) Definition of Classes of Mail. U.S. Postal regulations define first class mail as any handwritten or typewritten matter sealed in an envelope that has to be acted upon by the recipient; second class mail as any daily or weekly publication; third class mail as any matter that weighs up to a pound and not of a first class nature e.g., advertising, mass mailings, etc.; and fourth class mail: printed matter, e.g., catalogs, brochures, etc.

(2) Address. All outgoing mail must be properly addressed using the appropriate zip code and shall be marked indicating that it originated from a California state correctional facility.

(3) Return Address. Outgoing inmate mail must contain a return address on the outside of the letter or package. It will include the inmate's name, the address designated by the facility for inmate



April 16, 2007

VIA U.S. MAIL

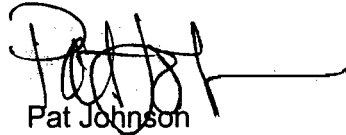
Pablo Pina, D-28079
PO Box 7500 D-4-102
Crescent City, CA. 95531

Re: Request for Legal Assistance/Materials

Dear Pablo Pina:

Your letter to the American Civil Liberties Union of Northern California has been received. Per your request, enclosed please find the information on the Privacy Act of 1974. However, please be aware that the ACLU operates with limited resources and will not be able to do further copying.

Sincerely,


Pat Johnson
Legal Assistant

PELICAN BAY STATE PRISON
SECURITY HALL UNIT
UNIT D-4

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

OCT 13 2007

Date:

In re: Pina, D-28079
Pelican Bay State Prison
P.O. Box 7000
Crescent City, CA 95531-7000

IAB Case No.: 0701937

Local Log No.: PBSP 07-01007

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner R. Pimentel, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that the Pelican Bay State Prison (PBSP) mailroom staff have inappropriately opened his confidential correspondence not in his presence. The appellant contends that the correspondence clearly identified that the letter was from the American Civil Liberties Union (ACLU). The appellant contends that the ACLU meets the criteria as a legitimate legal services organization; therefore his mail should not have been opened. The appellant requests that these violations cease and that the PBSP comply with California Code of Regulations, Title 15, Section (CCR) 3141.

II SECOND LEVEL'S DECISION: The reviewer found that a comprehensive and thorough review of the appellant's appeal was conducted. The Second Level of Review (SLR) cited CCR 3143 "Incoming correspondence bearing only a department or agency return address without any reference to the name or title of the officials or persons listed in Section 3141 will be processed by designated employees as nonconfidential correspondence." The SLR noted that the correspondence does not identify a specific person. The SLR denied the appeal.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: The documentation and arguments are persuasive that the appellant has failed to support his appeal issues with sufficient evidence or facts to warrant a modification of the SLR. The Director's Level of Review (DLR) reviewed the submitted evidence and concurs with the findings of the SLR in that the correspondence does not identify a specific person and merely identifies the ACLU. The DLR notes that pursuant to CCR 3143 "Incoming correspondence bearing only a department or agency return address without any reference to the name or title of the officials or persons listed in Section 3141 will be processed by designated employees as nonconfidential correspondence." The institution was unable to determine that the correspondence was from a legitimate representative of the ACLU if their name is not clearly identified on the front of the envelope. The institution must be able to verify the identity of the person sending the correspondence to prevent unauthorized correspondence. Therefore no relief is provided at the DLR.

B. BASIS FOR THE DECISION:

CCR: 3000, 3001, 3130, 3141, 3143, 3144, 3147, 3270

C. ORDER: No changes or modifications are required by the institution.

PINA, D-28079
CASE NO. 0701937
PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief
Inmate Appeals Branch

cc: Warden, PBSP
Appeals Coordinator, PBSP

LETTER SENT TO
N. GRANNIS
320 LEVEL REVIEW.

COPY:
10-21-07

Dear Sir,

I JUST RECIEVED YOUR RESPONSE TO MY 602 APPEAL ON THE OPENING OF LEGAL MAIL, LOG # 07-01007.

I AM NOT GOING TO RE-ARGUE THE ISSUE WITH YOU BECAUSE I SEE THAT YOU CITE YOUR RULES AND REGULATIONS, BUT YOU DONT FOLLOW THEM. AND WHEN ASKED WHY YOU OPENED THE LETTER THAT I APPEALED THAT WAS FROM THE ACLU, YOU CLAIM IF IT DOESN'T FIT THE CRITERIA CITED IN THE TITLE 15, ITS TREATED AS REGULAR MAIL.

BUT THE ACLU IS RECOGNIZED IN THE TITLE 15 AS ONE OF THE LEGAL ORGANIZATIONS THAT LIKE THE COURTS AND OTHERS SHOULD HAVE NO PROBLEM COMING INTO THE PRISON.

BUT IT WAS STILL OPENED BY THE MAIL ROOM BECAUSE IT DONT HAVE A LAWYER'S NAME ON THE OUTSIDE OF THE ENVELOPE.

MY ISSUE THOUGH IS THIS, IF YOU DONT RECOGNIZE LEGAL MAIL THAT COMES INTO THE PRISON FROM A LAW FIRM OR ORGANIZATION,

YOU STILL DONT HAVE THE RIGHT TO OPEN IT. ITS LEGAL MAIL REGARDLESS OF YOUR PROCEDURES IN THE PRISON.

AND THE PRISONER SHOULD HAVE THE RIGHT TO HAVE IT RETURNED TO SENDER THEN FOR YOU TO OPEN IT AND READ IT OUT OF THE PRESENCE OF THE PRISONER, ITS STILL LEGAL MAIL.

BUT THATS NOT WHY I WROTE, IM WRITING BECAUSE YOU REMOVED THE ACLU ENVELOPE THAT I ATTACHED AS AN EXHIBIT, WHY??

I WOULD LIKE THAT ENVELOPE RETURNED AS IT IS PART OF MY APPEAL. THIS IS THE 2ND TIME THAT YOU'VE DONE THIS IN THE PAST MONTH.

I NEED IT SO I COULD USE IT IN A LEGAL ACTION I HAVE IN THE COURTS REGARDING LEGAL MAIL.

PABLO PIÑA

IN BAY STATE PRISON
STATE OF CALIFORNIA
SECURITY HOUSING UNIT
INMATE/PAROLEE D-4
APPEAL FORM
CDC 802 (12/87)

Location: Institution / Parole Region
PBSP

Log No. D07-02074
Category 3-9
processing of confidential response

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
PIÑA PABLO	D-28079	(SHU)	D-4 102

A. Describe Problem: THE FOLLOWING IS REGARDING THE CONTINUED OPENING OF LEGAL MAIL IN VIOLATION OF CONFIDENTIALITY BETWEEN ATTORNEY AND PRISONER, ON SEPT. 18TH 2007, I RECEIVED A LETTER THAT WAS FROM AN ATTORNEY AND LAW FIRM. IT WAS CLEARLY MARKED THAT IT WAS FROM A "LAW OFFICE". YET THE MAIL ROOM STAFF PERSON #3 STILL OPENED IT AND PROCESSED IT AS REGULAR MAIL. (PBSP) AND THE (CDCR) HAVE POLICIES THAT REQUIRE THEM TO OPEN LETTERS REGARDLESS OF WHERE THEY CAME FROM. IF THEY DONT COMPLY WITH THEIR LEGAL STANDARDS AND CRITERIA AND THIS IS WHAT IM CHALLENGING. CDCR DOES NOT HAVE THE RIGHT TO DETERMINE, WHAT IS LEGAL MAIL AND WHAT IS NOT. (SEE ATTACHED LETTER)

B. Action Requested: THAT ALL MAIL THAT COMES FROM A LEGAL ORGANIZATION AND ATTORNEY LAW FIRM BE TREATED AS LEGAL CONFIDENTIAL MAIL, AND IF THEYRE IN DOUBT THAT THEY EITHER OPEN IT IN FRONT OF THE PRISONER OR RETURN IT TO SENDER, THEY DO NOT HAVE THE RIGHT TO OPEN IT. REGARDLESS OF CDCR'S CURRENT POLICIES.

Inmate/Parolee Signature: Pablo Piña Date Submitted: 9/20/07

C. INFORMAL LEVEL (Date Received: SEP 21 2007)

Staff Response: LAW OFFICES OF DOES NOT MEET THE CRITERIA FOR LEGAL/CONFIDENTIAL MAIL, SEE ATTACHED OP. 205

RECEIVED
CORRECTIONALS
DIVISION
SEP 21 2007

Staff Signature: Harold Date Returned to Inmate: _____

D. FORMAL LEVEL
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

WE SEEN WHAT THE TITLE IS AND O.P. 205 SAY, BUT WHAT IM ARGUING IS THAT THE MAIL BEING OPENED IS IN FACT LEGAL MAIL ANYPLACE ELSE, EXCEPT THE PRISON SYSTEM, AND WHAT SHOULD BE DONE IS EITHER OPEN IT IN FRONT OF THE PRISONER WHICH ISNT GOING TO BE TOO MUCH TRUBLE, OR HAVE IT RETURNED TO SENDER YOU SHOULD NOT OPEN IT.

Signature: Pablo Piña Date Submitted: 9/23/07
Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim
CDC Appeal Number: _____

SEP 24 2007
1st LAW BS
NOV 08 2007
2nd APPEALS

95

First Level ☐ Granted ☐ P. Granted ☒ Denied ☐ Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 9-24-07

Due Date: 11-06-07

Interviewed by: Diane DeFew

OSS 1 (A) October 5, 2007

I went over policies and procedures for legal mail with inmate Pina

Staff Signature: [Signature]

Title: PISOA

Date Completed: 10-9-07

Division Head Approved: [Signature]

Title: CBM

Returned

Signature: [Signature]

Title: CBM

Date to Inmate: 10-30-07

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

I continue to appeal this issue further because as I explained to the mail room lady, opening legal mail is a violation of confidentiality, even if your policies don't want to recognize the letter as such, it's still legal correspondence and you don't have the right to open it. If you don't want to let it in then it should be returned to the party that sent it, very simple and the legal thing to do.

Signature: [Signature]

Date Submitted: 10/31/07

Second Level ☐ Granted ☐ P. Granted ☒ Denied ☐ Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 11-02-07

Due Date: 12-05-07

☒ See Attached Letter

Signature: [Signature]

Date Completed: 11-21-07

Warden/Superintendent Signature: [Signature]

Date Returned to Inmate: 12/06/07

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

LEGAL MAIL IS OPENED BY PRSP OFFICIALS ALL THE TIME. EVEN WHEN IT HAS THE NAME OF THE ATTORNEY'S FIRM ON THE ENVELOPE. IF THEY WILL NOT RECOGNIZE THIS AS LEGAL MAIL IT SHOULD BE RETURNED TO SENDER NOT OPENED BY OFFICIALS. WHAT GIVES THEM THE RIGHT TO OPEN IT. IT IS NOT REGULAR MAIL.

Signature: [Signature]

Date Submitted: 11/12/07

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☒ Granted ☐ P. Granted ☒ Denied ☐ Other☒ See Attached Letter

Date:

MAR 17 2008

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: **MAR 17 2008**

In re: Pablo Pina, D28079
Pelican Bay State Prison
P.O. Box 7000
Crescent City, CA 95531-7000

IAB Case No.: 0717653 Local Log No.: PBSP-07-02074

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner K. J. Allen. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that his legal mail was inappropriately processed by staff at Pelican Bay State Prison (PBSP). The appellant contends that his confidential legal mail was incorrectly processed as non-confidential and opened by staff. The appellant states a legitimate law office was listed as the return address on the envelope and the Department should not be allowed to determine what constitutes legal mail and what does not. The appellant requests on appeal that all mail that comes from a legal organization and an attorney law firm be treated as legal confidential mail.

II SECOND LEVEL'S DECISION: The reviewer found that the mail received by the appellant did not bear the name of a specific attorney, and therefore, the correspondence was properly processed in accordance with the California Code of Regulations, Title 15, Section (CCR) 3143. The appellant's claim that his rights were violated is without merit, and there was no violation of departmental or institution policy. It is recommended that the appellant advise his attorney of the Department's requirement to avoid similar occurrences. The appeal was denied at the Second Level of Review.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.


A. FINDINGS: The envelope included within this appeal is clearly the company's return address and does not indicate that it is from a specific attorney as required by CDCR policy. The appellant's claim that the Department does not have the authority to enforce its regulations regarding confidential mail lacks merit.

The actions taken by staff were appropriate and the appellant's mail was properly processed. The appellant has failed to support his claim that his mail met the criteria to be processed as confidential. Relief at the Director's Level of Review is unwarranted in this matter.

B. BASIS FOR THE DECISION:
CCR: 3001, 3004, 3130, 3131, 3143, 3380

C. ORDER: No changes or modifications are required by the Institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief
Inmate Appeals Branch

cc: Warden, PBSP
Appeals Coordinator, PBSP

PELICAN BAY STATE PRISON
SECOND LEVEL REVIEW

DATE: DEC 05 2007

Inmate PINA, D-28079
Pelican Bay State Prison
Facility D, Security Housing Unit
Unit 4, Cell 102

RE: WARDEN'S LEVEL DECISION
APPEAL LOG NO. PBSP-D-07-02074

APPEAL: DENIED
ISSUE: MAIL

This matter was reviewed by ROBERT A. HOREL, Warden, at Pelican Bay State Prison (PBSP). D. Depew, Office Services Supervisor I (A), Mailroom interviewed the inmate on October 5, 2007, at the First Level of Appeal Review.

ISSUES

Inmate Pina requests that all mail coming from a legal organization or law firm be treated as confidential mail. In addition, he requests his mail be opened in front of the inmate or returned to sender.

FINDINGS

I

The inmate claims that he received a confidential letter from his attorney that was inappropriately processed outside of his presence.

II

The California Code of Regulations (CCR), Title 15, Section 3141(c) (6), allows an inmate to confidentially correspond with an Attorney at Law, who is listed with a state bar association.

The CCR, Title 15, Section 3144, requires confidential mail to be opened and inspected for contraband only and only in the presence of the inmate.

The CCR, Title 15, Section 3143, requires that incoming correspondence bearing only a department or agency return address without any reference to the name or title of the officials or persons listed in Section 3141 will be processed by designated employees as nonconfidential correspondence.

DETERMINATION OF ISSUE

A Deputy Director's Memorandum dated January 29, 2004, provides clarification relative to the processing of confidential mail. It states incoming correspondence that does not bear a specific name; except for the CCR, Section 3141(c) (5) and (c) (7), shall be processed as non-confidential

Supplement Page 2

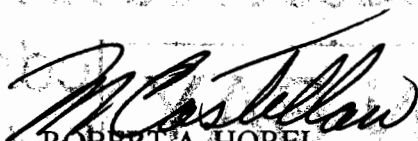
PINA, D-28079

Appeal # PBSP-D-07-02074

correspondence. The correspondence in question is from The Law Offices of Allred, Maroko & Goldberg, which does not reflect the name of the individual responsible for the correspondence, particularly since multiple attorneys are most likely employed at these offices. As a result, a determination has been made the correspondence was appropriately processed as a non-confidential correspondence; therefore, the APPEAL IS DENIED.

MODIFICATION ORDER

No modification of this decision or action taken is required.


ROBERT A. HOREL
Warden

DLJ #12 11-21-07

Law Office
ALLRED, MAROKO & GOLDBERG
6300 WILSHIRE BOULEVARD
SUITE 1500
LOS ANGELES, CALIFORNIA 90048

95531+7500

Pablo Pina D-28079
P.O. Box 7500 D.4 102
Crescent City, CA 95531

SEP 18 2007



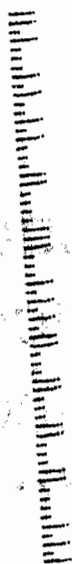
FIRST CLASS



02 1A
0004353674
MAILED FROM ZIP CODE 90048



\$00.410



**Pelican Bay State Prison
Operational Procedure No. 205
Inmate Mail**

**Page 21
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receipt of any confidential, legal or certified mail. The unit legal mail log will be maintained in each housing unit.

- c. The assigned staff will issue the mail to the inmate after checking the inmate's State identification card, or by having the inmate recite his entire State identification number.
- d. The staff member issuing the mail will open the letter in the presence of the inmate and shake out the contents and inspect (not read) the documents to ensure contents are appropriate.
 - 1) If no prohibited material is discovered, the contents will be returned to the envelope and handed to the inmate.
 - 2) If funds are enclosed they will be placed in an evidence locker for crediting to the inmate's trust account by the Evidence Officer in accordance with this procedure. A CDCR 128B will be given to the inmate as his receipt of the funds by the issuing staff member.
- e. Process of delivering "refused" legal/confidential or certified mail to inmate(s):
 - 1) When an inmate refuses delivery of legal/confidential or certified mail, the mail shall be returned to the Mailroom accompanied by three copies of a CDCR 128B Chrono, witnessed by two staff members.
 - a) The chrono shall indicate the attempted delivery dates and the reason for refusal (if known).
 - b) The Mailroom will retain one copy of the chrono for attaching to Mailroom legal card files and forward a copy with the refused mail to the correspondent or sender of the letter. Original to Central File and two copies to the Mailroom.
- f. Processing and disposition of confidential correspondence where the identifying information is incomplete:

Incoming confidential correspondence must have the name, title, and return address of ~~one~~ of the officials or persons listed in the CCR, Title 15, Section 3141(c). Per the CCR, Title 15, Section 3143, the name of an agency or firm is not, in itself, sufficient. The return address must include the name or title of the specific attorney printed on the outside of the envelope. For example, the title "Attorney at Law" without the name of a specific attorney, "Law Offices of" followed by the name of attorney/attorneys, or the name of a law firm is not sufficient.

RE:

DECLARATION

BY PABLO PIÑA D-28079

I PABLO PIÑA D-28079 HEREBY DECLARES THAT;

- 1). ON SEPTEMBER 18TH 2007 WHILE I WAS OUT ON THE EXERCISE YARD I WAS CALLED IN TO TALK TO SGT. BARNBURG. ABOUT A 602 APPEAL I FILED ABOUT MCCOVEY AND MYSELF.
- 2). THE 602 APPEAL WAS AN ATTEMPT TO RESOLVE AN ISSUE THAT HAS BEEN ON GOING FOR AT LEAST A YEAR MAYBE A LITTLE MORE.
- 3). IN THE APPEAL I EXPLAINED THAT I WAS AWARE THAT THE UNIT FLOOR OFFICER PARKER HAD FILED SOME TYPE OF REPORT OR COMPLAINT AGAINST ANOTHER OFFICER WHO ALSO WORKED IN THE UNIT OFF AND ON, A FEMALE OFFICER MCCOVEY.
- 4). I KNOW THAT THE UNIT OFFICER DID THIS BECAUSE I'VE HEARD HER CONSTANTLY TALKING ABOUT THE OTHER FEMALE OFFICER NAMED MCCOVEY. ABOUT HOW SHE DON'T WANT HER IN THE UNIT.
- 5). AT FIRST I DIDN'T GIVE IT TOO MUCH ATTENTION, OR DID IT BOTHER ME BECAUSE IT WAS BETWEEN TWO LADY OFFICERS. AND PERSONALLY FIGURED THEY'D RESOLVE IT THEMSELVES. AS THE PROFESSIONALS THEY ARE.
- 6). SGT. BARNBURG TOLD ME THAT HE WAS NOT AWARE OF ANY OF THIS, AND THAT OFFICER MCCOVEY COULD WORK IN D-4 ANY TIME SHE WANTED, OR ANY PLACE SHE WANTED.
- 7). I TOLD HIM THAT I WANT MY NAME REMOVED FROM ANY REPORTS THAT WERE FILED BY PARKER ON OFFICER MCCOVEY.
- 8). SGT. BARNBURG SAID THAT NO REPORTS HAVE BEEN FILED ON OFFICER MCCOVEY, AND MY NAME WASN'T USED, HE TOLD ME HE WOULDN'T LIE TO ME.
- 9). THE 602 APPEAL WAS ASKING THAT I BE ALLOWED TO REVIEW ANY INFORMATION FILED AND PLACED IN MY C-FILE SO THAT IT CAN BE CORRECTED OR REMOVED UNDER THE RULES OF THE DIRECTOR.
- 10). SGT. BARNBURG AGAIN SAID THAT HE HAS NOT SEEN ANY SUCH REPORTS AND THEY DON'T EXIST.

- 11). IN THE 602 APPEAL I HAD EXPLAINED THAT I HEARD ONE OF THE 3RD WATCH OFFICERS A FAT COP AND SUE WHO WORKS WITH PARKER, TELLING ANOTHER OFFICER THAT MCCOVEY WAS BANNED BECAUSE OF ME.
- 12). I ALSO EXPLAINED THAT THE FAT COP WAS COMPLAINING ABOUT HOW I EXERCISE. THAT IT HAD SOMETHING TO DO WITH ALL THIS. AND I TOLD BARNEBURG WHAT I DO WITH MY TIME ON THE YARD IS MY BUSINESS.
- 13). WE ONLY GET AN HOUR AND A HALF ON THE YARD AND I USE EVERY MINUTE OF IT AS LONG AS IM NOT EXERCISING BUTT NAKED IT SHOULDN'T BOTHER ANY ONE. AND IF ITS TOO MUCH EXERCISE, THATS MY EXERCISE ROUTINE. AND IM NOT GOING TO CHANGE IT.
- 14). I TOLD BARNEBURG I DONT UNDERSTAND ANY OF THIS. I SIT IN MY CELL DOING MY OWN THING. I TALK TO VERY FEW PEOPLE AND OFFICERS. AND YEAH I KNOW WHO MCCOVEY IS EVERYONE KNOWS HER. SHE'S WORKED HERE ALMOST AS LONG AS WE BEEN HERE IN SHU. BUT WHAT EXACTLY HAS SHE DONE SHE DONT EVEN TALK TO ME. BUT IF I WAS ASKED IF I LOOK AT HER ID SAY HELL YEAH I CHECK HER OUT. IM A MAN. AND A PRISONER. IM SUPPOSE TO LOOK AT HER.
- 15). I TOLD BARNEBURG MY APPEAL IS ASKING TO REVIEW ANY REPORTS FILED AGAINST HER THAT USED MY NAME, ITS NOT ABOUT WANTING TO SEE MCCOVEY PER-SE, BUT TO KNOW EXACTLY WHAT WAS SAID THAT CAUSED THEM TO BAN HER FROM D-4.
- 16). IF OFFICER MCCOVEY WAS BANNED BECAUSE OF ME IN ANY WAY. THEN IT DOES AFFECT ME, AS MUCH AS IT AFFECTS HER, ESPECIALLY IF PEOPLE ARE MAKING UP STUFF TO GET IT DONE.
- 17). I TOLD BARNEBURG THAT IM TRYING NOT TO MAKE AN ISSUE OUT OF ALL THIS, BUT LISTENING TO ALL THE RUMORS AND GOSSIP BY HIS OFFICERS OUT THERE IS DISTURBING AND IS GOING TO BE PLACED IN MY FILE. AND NOT TO FORGET THE PROBLEMS ITS CAUSING FOR MCCOVEY.
- 18). FOR ONE DAY AT LEAST THEY MUST OF LIFTED THE BAN ON MCCOVEY BECAUSE SHE CAME TO THE UNIT ON 2ND WATCH. BUT AS SOON AS 3RD WATCH CAME AND SAW HER, WILLIAMS AND FATBOY SAID "WE'LL SEE WHAT PARKER HAS TO SAY ABOUT THAT".
- 19). THEN THE NEXT DAY OR TWO DAYS LATER THAT SUE CAME TO WORK AND SAID THAT MCCOVEY WAS BACK ON IT. "RESTRICTION" SHE WAS SENT TO THE INFIRMARY.

- 19). I WAS ALREADY IN THE PROCESS OF WRITING A CIVIL SUIT ON BEING HELD IN THE SHU ON INDETERMINATE STATUS, AND HOW THE I.G.I. USES AND PROMOTES FALSE INFORMATION OR INFORMATION WHICH IS QUESTIONABLE TO KEEP INMATES IN SHU.
- 20). SGT. BARNEBURG LIED TO ME. HE TOLD ME THAT MY NAME IS NOT IN ANY REPORTS, AND HE ALSO SAID THAT MCCONEY WAS NOT BANNED FROM D-4. BUT THE 3RD WATCH OFFICERS CONTINUE TO TALK ABOUT MCCONEY AND HER RESTRICTION FROM WORKING IN D-4. SO IF HE LIED ABOUT THAT, THEN I BELIEVE HE'S ALSO LYING ABOUT REPORTS USING MY NAME.
- 21). TRYING TO SORT OUT ALL OF THIS WITH SGT. BARNEBURG DID NO GOOD AT ALL. I TOLD HIM I WANTED TO AVOID MAKING AN ISSUE OUT OF THIS BECAUSE IT'S DUMB. AND I THINK THAT MCCONEY HAS BEEN PUT THROUGH ENOUGH ALREADY.
- 22). HOW THEY CAN BAN AN OFFICER LIKE THAT ON ACCUSATIONS BY ANOTHER OFFICER WITH NO PROOF, OR SOLID EVIDENCE, ONLY MAKES THEM LOOK BAD. BUT ITS THE DAMN RUMORS SOME OFFICERS HAVE STARTED THAT ARE ONLY MAKING THINGS WORSE FOR HER. ANYONE WITH A DISLIKE FOR HER CAN SAY WHATEVER NOW AND ITS GONA BE BELIEVED BY HER SUPERVISORS.
- 23). WHEN MCCONEY COMES TO THIS UNIT SHE HELPS WITH CANTEN. PASSING OUT TRAYS. LIKE ALOT OF OFFICERS DO FOR EACH OTHER. ITS NOT TO TALK TO ME. SHE DONT EVEN TALK TO ME NOT THAT ALL OF THIS DONT MAKE ME FEEL GOOD. ANY INMATE WOULD LIKE TO BE IN THIS POSITION IM IN.
- 24). BUT I CAN SEE HOW ITS BEING USED FOR OTHERS TO ATTACK HER FOR PERSONAL REASONS. NOT BECAUSE OF THIS. AND ANYONE KNOWS IF A GUARD IS ACCUSED OF MISCONDUCT THAT INVOLVES AN INMATE THAT COULD GET HIM/OR HER FIRED. AND THATS NOT GOING TO BE BLAMED ON ME.
- 25). IVE HEARD OFFICERS TELL HER SHE CANT COME INTO D-4 AND OR TELL HER TO LEAVE. HOW MUST THAT FEEL. SHE BEING AN OFFICER AND TREATED LIKE ME IF IM OUT OF BOUNDS.
- 26). I ASKED YOU ALL TO STRAIGHTEN THIS OUT AMONGST YOURSELVES BUT INSTEAD IM FORCED TO GO TO THE COURTS. AND I HAVE TO PUT EVERYTHING OUT FRONT. SOME OFFICERS HAVE NO CUSS AT ALL. NOT TO MENTION PROFESSIONAL ETHICS.

I DECARE UNDER PENALTY OF PERJURY THE ABOVE IS TRUE AND CORRECT.
TO THE BEST OF MY KNOWLEDGE.

RESPECTFULLY SUBMITTED.

DATED 9/18/07

1 - Hilo - Para

YAB WAS 137 12 091900

POEIR 1412

VTIR 1412

1412 1412 1412

1412 1412 1412

3001 0914

EXHIBIT - H

EX H

FILE REVIEW

DELICAN BAY STATE PRISON
STATE OF CALIFORNIA
SECURITY HOUSING UNIT
INMATE/PAROLEE
APPEAL FORM
CDC 602 (12/87)

DEPARTMENT OF CORRECTIONS

Location: Institution/Parole Region

Log No.

Category

1. PBSP

1. DD7-02501

6/3

2.

2.

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
PIÑA PABLO	D-28079	(SHU)	D-4 102

A. Describe Problem: THE FOLLOWING IS REGARDING INFORMATION WHICH IS PLACED IN MY C-FILE AND THE DENIAL OF THE ABILITY TO REVIEW AND CHALLENGE IT, OR AS INDICATED IN CCR TITLE 15 SECTION 3450(A). I CAN ASK THAT INFORMATION BE CORRECTED.

I REQUESTED INFORMATION UNDER THE PUBLIC RECORDS ACT AND WAS DIRECTED BACK TO THE UNIT COUNSLER. THE COUNSLER AND I REVIEWED MY NON-CONFIDENTIAL FILES AND THERE WAS NOTHING THERE, EVEN THOUGH I KNOW INFORMATION HAD TO OF BEEN PLACED IN IT. (SEE ATTACHED SHEET)

If you need more space, attach one additional sheet.

B. Action Requested: that I be given access to any information that was written by the (attached sheet) officials, or any one that may of wrote any reports that bear my name directly involved, or indirectly involved with any incident or assumed incident.

Inmate/Parolee Signature: Pablo Piña Date Submitted: 11-12-07

C. INFORMAL LEVEL (Date Received: 11/13/07)

Staff Response: Litigation referred back to me. We complete an Olson Review on 9/27/07, as you wrote in b02. I cannot do any more @ my level, therefore denied.

Staff Signature: B. [Signature] Date Returned to Inmate: 11/13/07

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

I AM NOT SATISFIED BECAUSE I WOULD LIKE TO REVIEW ANY REPORTS WRITTEN THAT HAVE MY NAME CONNECTED TO THEM IN ANY WAY. SO THAT I COULD CLEAR UP ANYTHING THAT IS INCORRECT OR FAISELY STATED. AS IS MY RIGHT ACCORDING TO THE SECTION CITED.

Signature: Pablo Piña Date Submitted: 11/13/07

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number:

Board of Control form BC-1E, Inmate Claim

NOV 14 2007

DEC 18 2007

1ST APV-SHU 2ND APPEALS



First Level ☐ Granted ☐ P. Granted ☒ Denied ☐ OtherE. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 11/14/07 Due Date: 12/31/07Interviewed by: CCTI M. PEÑA ON 11/21/07 (See Attached)

Staff Signature: [Signature] Title: FCIA Date Completed: 12/8/07
 Division Head Approval: [Signature] Title: AW Returned: 12/13/07
 Signature: [Signature] Date to Inmate: 12/13/07

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

WHAT I WOULD LIKE IS A CLARIFICATION. THERE HAS BEEN A DISPUTE AS TO WHETHER THIS INFORMATION EXISTED AT FIRST SET. BARNBURG AND THEN COUNSELOR PEÑA TOLD ME THAT NO SUCH REPORTS EXIST, AND THAT NOTHING WAS FILED AGAINST THAT OFFICER BY C/O PARKER NOR ANY DISPOSITION TAKEN AGAINST THAT OFFICER MCCOY. AND THAT MY NAME WAS NOT USED AT ALL. I'D LIKE THIS CLARIFIED AND PUT IN WRITING IF IT'S NOT TOO MUCH TROUBLE.

Signature: [Signature] Date Submitted: 12/16/07Second Level ☐ Granted ☐ P. Granted ☒ Denied ☐ OtherG. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 12/18/07 Due Date: 01/17/08☒ See Attached LetterSignature: [Signature] Date Completed: 1/23/08Warden/Superintendent Signature: [Signature] Date Returned to Inmate: 1/24/08

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

CONFIDENTIAL INFORMATION USED AS TO DENY ACCESS FOR A PRISONER'S VIEWING ONLY PERTAIN TO GANG RELATED INFORMATION, INFORMANT INFORMATION AND NAMES. THIS DOES NOT COVER CORRECTIONAL STAFF, AS THEY ARE NOT GIVING CONFIDENTIAL INFORMATION. I AM ASKING TO REVIEW ANY REPORTS THAT MAY HAVE MY NAME USED IN THEM BY THE ABOVE LISTED STAFF. AND OR ANYONE ELSE THAT MAY OF WRITTEN ANYTHING REGARDING THIS ISSUE.

Signature: [Signature] Date Submitted: 1/29/08

For the Director's Review, submit all documents to: Director of Corrections
 P.O. Box 942883
 Sacramento, CA 94283-0001
 Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other☐ See Attached Letter

Date: _____

STATE OF CALIFORNIA
GA-22 (9/92)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 8/6/07	TO LITIGATION OFFICER	FROM (LAST NAME) PIÑA PABLO	CDC NUMBER D-28079
HOUSING D-4	BED NUMBER 102	WORK ASSIGNMENT PELICAN BAY STATE PRISON SECURITY HOUSING UNIT UNIT D-4	JOB NUMBER FROM TO ASSIGNMENT HOURS FROM TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

Is like a copy returned of this public records request with any response, approval or denial. so I could use as an exhibit in a legal case. I plan on filing a civil suit. regarding this

Thank you.

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY DOCUMENTS OF THAT NATURE MAY BE IN YOUR	DATE
DISPOSITION CENTRAL FILE - THEY ARE NOT PUBLIC RECORDS. CONTACT YOUR COUNSELOR FOR A FILE REVIEW IF YOU HAVE NOT ALREADY DONE SO	

W/B 8-17-07

STATE OF CALIFORNIA
REQUEST TO INSPECT PUBLIC RECORDS
CDCR 1432 (Rev. 10/06)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

I request to inspect, in accordance with California Government Code (CGC) Section 6253 and the Guidelines for the Inspection of Public Records (CDCR form 1431), established by the California Department of Corrections and Rehabilitation (CDCR), records of the following name or type, maintained at the below CDCR location.

NAME OF RECORD(S) OR DESCRIPTION OF SUBJECT MATTER:
ID LIKE TO SEE ANY AND ALL REPORTS FILED RECENTLY BY OFFICER PARKER D-4 FLOOR OFFICER THAT MENTIONS ME, IN ANY FASHION, DIRECTLY ACCUSING ME OR INDIRECTLY ACCUSING ME OF INAPPROPRIATE BEHAVIOR WITH A CDC OFFICIAL. THE COMPLAINT WAS FILED ON THE OFFICIAL NOT ME. But you must have a copy.
FACILITY OR OFFICE WHERE THE RECORD IS MAINTAINED:

PBSP

Please mark the appropriate box

- ☐ I do not desire to have a copy of the above record reproduced for my use.
- ☒ Reproduce a complete copy of the above named record for my use. I agree to pay postage and 12 cents for each page photocopied.

REQUESTOR'S NAME (PRINT)	REQUESTOR'S SIGNATURE	DATE
PABLO PINA D-28079	<i>[Signature]</i>	8/6/07
REQUESTOR'S ADDRESS:		
ADDRESS	CITY, STATE	ZIP CODE
P.O. Box 7500	CRESCENT CITY, CALIF	95531

FOR DEPARTMENTAL USE ONLY

Mark the appropriate box(es) and complete the related section(s).

- ☐ An appointment has been made for the requestor to inspect the requested record(s).
Date Time Location

Signature of PRA Coordinator Authorizing Inspection Date

- ☐ The requestor has inspected the requested record(s).

Inspection Date Signature of PRA Coordinator authorizing the inspection

- ☐ The requestor has requested copies of the above named record(s).

Number of pages copied Total Cost Payment Method

- ☒ The requested record(s) is/are not considered a public record and will not be disclosed to the requestor. The requestor has been informed in writing of this decision and that the requestor may appeal this decision. CONTACT YOUR Committee for A Fair Review
Signature of PRA Coordinator denying disclosure *[Signature]* Date 8-17-07

- ☐ The extent of the inspection requested or the reproduction services required, exceeds the service that can be provided at this location. The request has been referred to the appropriate Division/Office, for further consideration.

Signature of PRA Coordinator making the referral Date

Pursuant to CGC Section 6253(c), an extension is needed to collect and review the requested record(s).

Reason:

Anticipated date of determination (Not to exceed 14 days beyond the original 10 authorized days)

Signature of PRA Coordinator Authorizing Extension Date

602 attachment

under ARTICLE 6 SECTION 3450 (A) IT STATES THAT ANY PERSON ON WHOM THE DEPT. MAINTAINS A RECORD OR FILE CONTAINING PERSONAL INFORMATION HAS THE RIGHT TO INSPECT THEIR RECORD OR AUTHORIZE ANY PERSON TO INSPECT SUCH RECORDS. AND TO REQUEST AMENDMENTS TO CORRECT OUTDATED OR INACCURATE OR INCOMPLETE INFORMATION...

I AM FULLY AWARE THAT SOME TYPE OF INFORMATION WAS PUT INTO MY FILE. I ASKED FOR AN OPEN REVIEW OF MY FILE TO SEE IF IT WAS IN THERE.

I AM ONLY ALLOWED TO REVIEW THE NON-CONFIDENTIAL PORTION OF MY FILE. BUT WAS TOLD BY THE COUNSELOR THAT THE INFORMATION THAT I AM LOOKING FOR WOULD BE IN MY CONFIDENTIAL FOLDER AND I AM NOT ALLOWED TO REVIEW THAT.

SO IN OTHER WORDS ANY INFORMATION CAN BE PLACED IN MY CONFIDENTIAL FOLDER AND THAT'S IT, I'M NOT ABLE TO CHALLENGE IT, ACCORDING TO SECTION 3450 (A). I CAN HAVE INFORMATION CORRECTED.

BUT IF I'M NOT ALLOWED TO REVIEW WHAT EXACTLY WAS WRITTEN I CAN'T DO THIS.

I AM NOW ASKING THAT I BE GIVEN A COPY OF ANY DATES OF ANY REPORTS, 128 CHRONOS OR OTHERS THAT WERE WRITTEN BY THE FOLLOWING OFFICERS, SGT. RANGEL, SGT. BARNHURST, SGT. MORRIS, SGT. BEESON, AND OFFICER PARKER AND ANY OTHER OFFICERS WHO MAY HAVE FILED REPORTS AGAINST ME, OR THAT USED MY NAME IN ANY REPORTS FILED AGAINST OFFICER MCCOY.

I AM ALSO ASKING FOR ANY COPIES OF MEMORANDUMS, BULLETINS, FLYERS, ETC. THAT OFFICER MCCOY IS BANNED FROM WRITING. I AM ALSO ASKING FOR

FIRST LEVEL SUPPLEMENTAL PAGE

RE: PELICAN BAY STATE PRISON (PBSP)

Appeal Log PBSP-D-07-02501

First Level Reviewer's Response

Inmate: PIÑA, D-28079

APPEAL DECISION: DENIED

APPEAL ISSUE: Access to Confidential Information.

ACTION REQUESTED: You are requesting access to Confidential Information.

FINDINGS:

Correctional Counselor II (CCII) M. Peña was assigned to investigate your complaint by the First Level Reviewer. A review of your appeal, attachments, prior staff responses, and your Central File (C-File), has been completed. During the course of the investigation, the following information was noted:

CCII Peña interviewed you on November 27, 2007. You were asked to clarify your appeal issue. You stated that you believe there is information pertaining to you that has been kept out of your C-File, or placed in the confidential section of your C-File, so that you cannot review that information or refute its accuracy. After further discussion, it was determined that you were requesting access to the confidential section of your C-File. As discussed during the interview, staff is not allowed to arbitrarily place items into the confidential section of your C-File. Each piece of confidential information is reviewed by a Captain or higher who assures that each document placed in your confidential file meets all departmental standards for placement and retention in your confidential file. During the interview, you also stated that you knew this appeal would be denied, but requested an expeditious reply so you could get the issue to court. It is noted you originally submitted a Request to Inspect Public Records (CDCR Form 1432), dated August 6, 2007, requesting to see any and all reports filed recently by an officer that mentions you in any fashion regarding inappropriate behavior with a CDC official. You were advised, via the CDCR Form 1432, the information you requested is not considered public record, will not be disclosed, and to contact your assigned counselor for a file review. You received a review of your C-File October 2, 2007, as documented on CDCR Form 128B, of the same date. You were issued a CDCR Form 810, Confidential Information Listing on November 26, 2007. You have been issued CDCR Form 1030, Confidential Information Disclosure Forms for confidential information utilized in your prison gang validation and gang active/inactive review. You have received all disclosure to which you are entitled.

DETERMINATION OF ISSUE:


The First Level of Review was comprehensive and appropriate and your concerns were clearly addressed. After a close review of this matter, I find that staff has acted appropriately and in

Appeal Log PBSP-D-07-02501


Page 2

accordance with State Law, the California Code of Regulations, Title 15, and the Department Operations Manual.

Based on the above information, your appeal is **DENIED** at the First Level of Review.


R. L. JOHNSON
Facility Captain
Facility D

Date 12-8-07


M. D. CASTELLAW
Associate Warden
Security Housing Unit

Date 12-10-07

PELICAN BAY STATE PRISON
SECOND LEVEL REVIEW

DATE: JAN 24 2008

Inmate PINA, D-28079
Pelican Bay State Prison
Facility D, Security Housing Unit
Unit 4, Cell 102

RE: WARDEN'S LEVEL DECISION
APPEAL LOG NO: PBSP-D-07-02501

APPEAL: DENIED
ISSUE: CASE INFO. / RECORDS

This matter was reviewed by ROBERT A. HOREL, Warden, at Pelican Bay State Prison (PBSP). M. Pena, Correctional Counselor II, interviewed the inmate on November 27, 2007, at the First Level of Appeal Review. D. Jacquez, Correctional Counselor II, interviewed the inmate at the Second Level of Appeal Review on January 23, 2008.

ISSUES

Inmate Pina requests access to confidential information contained in his Central File.

FINDINGS

I

All Confidential Information Disclosure Forms and the Confidential Information Listing were issued to the inmate. The inmate received an Olson Review on October 2, 2007.

II

The California Code of Regulations (CCR), Title 15, Section 3326 (a) (2) & (3), states upon conclusion of disciplinary proceedings, all documents relating to the disciplinary process, findings and disposition shall not be placed in any file pertaining to the inmate when the inmate is found not guilty of the charge, unless information developed through the disciplinary process such as enemy information needs to be considered in future classification committee determinations. All supplemental reports shall be destroyed.

The CCR, Title 15, Section 3320 (I), requires that any finding of guilt be based upon a determination by the official conducting the disciplinary hearing that a preponderance of evidence submitted at the hearing substantiates the charge.

The CCR, Title 15, Section 3321(b) (1), states that no decision shall be based upon information from a confidential source, unless other documentation corroborates information from the source, or unless the circumstances surrounding the event and the documented reliability of the source satisfies the decision maker(s) that the information is true.

Supplement Page 2
PINA, D-28079
Appeal # PBSP-D-07-02501

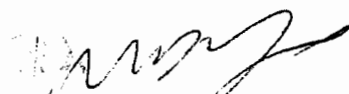
The CCR, Title 15, Section 3326 (d), states the dismissal of disciplinary charges shall require an audit and updating of any documentation in the inmate's Central File reflecting a pre-hearing assumption of guilt. Such documentation shall not be removed from the inmate's Central File, but shall be annotated with a cross-reference to a CDC 128-B, General Chrono, documenting the most recent findings and action on the charge.

DETERMINATION OF ISSUE

The inmate refers to the inspection of records referred to in the CCR, Title 15, Section 3450 (a). This section allows any person the department retains records on to be able to access and request amendment to incorrect information. The CCR, Title 15, Section 3450 (d), denies inmates the same access. During the Second Level of Appeal interview, the inmate had nothing to add except that he wanted to get through the CDCR appeal system to enable him to present this information to the courts; therefore, the APPEAL IS DENIED.

MODIFICATION ORDER

No modification of this action or decision is further required.


ROBERT A. HOREL
Warden

DJJ #09 1-23-08

RE: DECLARATION:
 BY PABLO PIÑA
 D-28079.

I PABLO PIÑA D-28079 HEREBY DECLARES THAT;

- 1). I SENT A REQUEST FOR ACCESS TO PUBLIC RECORDS UNDER THE PUBLIC RECORDS ACT TO THE LITIGATION OFFICE AND MR. BARTLOW.
- 2). HE RETURNED IT SAYING TO CONTACT MY COUNSLOR AND HE COULD SET UP A REVIEW OF MY C-FILE. (AN OLSEN REVIEW).
- 3). I DON'T KNOW IF AN OLSEN REVIEW IS THE SAME AS A REQUEST FOR PUBLIC RECORD ACCESS. BUT I DID THIS.
- 4). DURING THE TIME PRIOR TO THIS REVIEW. ON AUGUST 20TH 07 OFFICER PARKER WHILE SORTING MAIL. CAME INTO THE POD AND TO MY CELL. SHE HANDED ME THE REQUEST FOR PUBLIC RECORDS AND TOLD ME THAT SHE READ IT. AND THAT SHE DON'T KNOW WHAT REPORT IM REFERRING TO.
 AS THE REQUEST WAS ASKING FOR COPIES OF ANY REPORTS THAT SHE PARKER MAY OF FILED AGAINST ANOTHER OFFICER WHICH MAY CONTAIN MY NAME.
- 5). OFFICER PARKER TOLD ME THAT SHE HAD NOT FILED ANY REPORTS AND DON'T KNOW WHY I WOULD THINK THAT.
- 6). I ASKED PARKER IF SHE FILED ANY COMPLAINTS ON THAT OFFICER OR ANYONE AND SHE SAID NO. "I WOULD NEVER DO THAT". AND SHE WALKED AWAY.
- 7). I KNOW FOR A FACT THAT PARKER HAS FILED A COMPLAINT AGAINST OFFICER MCCOVEY. AND ALSO KNOW THAT MY NAME WAS USED TO GET IT PROCESSED. I NOW AM ASKING TO REVIEW THOSE REPORTS.
- 8). IF OFFICER PARKER DID NOT FILE A REPORT AGAINST OFFICER MCCOVEY THEN WHY IS THAT OTHER OFFICER BEING BANNED / RESTRICTED FROM WORKING IN D-4 AND SPECIFICALLY BANNED FROM GOING INTO (D-4 A-POD) WHERE I RESIDE.

I DECLARE UNDER PENALTY OF PERJURY THE FOLLOWING IS TRUE AND
 CORRECT.

RESPECTFULLY SUBMITTED.
 Pablo Piña

VOENH 3/1/08

7/1/08

7/1/08

7/1/08

7/1/08

EXHIBIT - J

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS
CDC 128G (Rev. 7/28/03)

NO: 0-28079 NAME: PINA Pablo Cell/Bed: D4-102L
 Custody: MAXS CS: 427 (IV) WG/PG: DID EFF: 5/21/05 Assignment: SHU Indet.
 ReDate: MEPD 2/18/12 Reclass: 1/2007 ACTION: RETAIN SHU Indet.
 BPH Hearing: INT. 1/2011 ANNUAL REFER C3PR FOR
BREAKDOWN of #3 file

Inmate PINA appeared / refused to appear before PBSP FAC C/D SHU UCC this date for 180-Day Review. S is serving SHU Indeterminate due to his prison gang affiliation as documented on CDC 128B2 dated 5/24/05. S is an Active / Inactive / Associate / Member of the NUESTRA FAMILIA (NF) prison gang. S's validation was reviewed by Committee and found to meet the criteria required in CCR 3378(c). Committee acts to retain S in SHU per CCR 3341.5(c)(2)(A)2. S participated in Committee's review of his case and agreed / disagreed with Committee action. S was informed / is informed via this chrono, that the Departmentally recognized avenues for release from SHU are through the debriefing process or through being determined to be an inactive prison gang member or associate as delineated in CCR, Title 15, sections 3378(e) and 3341.5(c)(4) and (5).
 Comments:

Committee reviewed S for Inactive Gang Status as outlined in CCR 3341.5(c)(5) and noted the following:

- ☒ The last source document used in the validation process is dated CONF. 128B 6/12/01, indicating recent (within 6 years) gang activity.
- ☐ Noted is a previous Inactive Review, documented on CDC-128B dated _____, indicating S does not meet the Inactive criteria. S will be eligible for another Inactive Review active _____.
- ☐ The date of the most recent gang activity, as noted in S's file, could not be established. Refer S to PBSP IGI for evaluation of his current gang status.
- ☐ S has previously been referred to PBSP IGI for an Inactive Review, and the review is pending.
- ☐ S is pending DRB review.
- ☐ S was reviewed by the DRB on _____. The DRB determined _____.

- ☐ S is double celled with Inmate _____, # _____, / and states they are compatible.
- ☐ S has no cellmate and committee notes the "S" custody suffix has / has not previously been applied.

Committee acts to retain / affix the "S" suffix

- ☐ because S has not successfully completed the compatibility review for double celling in PBSP SHU.

☒ due to SAFETY CONCERNS

- ☒ S is advised, via this chrono of the Committee's decision and his right to appeal.

☐ S was advised of Committee's decision and his right to appeal this Committee action and that it must be submitted within 15 working days of this date, whether he has received the CDC Form 128G Classification chrono or not.

BPH Initial / Documentation # _____ / Subsequent # _____ Hearing scheduled in 1/2011

Next scheduled Committee will be 1/2007 for ANNUAL Review.

MEMBERS:

Chairperson

Print Name/Title

Print Name/Title

Recorder

Print Name/Title

CC: ☐ OBIS ☐ CSR ☐ IGI ☐ PSYCH ☒ C&PR ☐ MED ☐ OTHER

Committee Date: 9/5/06 Classification FAC C/D SHU UCC 180-DAY REVIEW PBSP-SHU

WARRANT FOR ARREST

NOV 14 2007

11/14/07

11/14/07

11/14/07

11/14/07

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS
CDC 128G (Rev. 7/28/03)

NO: 028079 NAME: P. RIVERA P.H. Cell/Bed: 041071
 Custody: MAXS CS: 423 (IV) WG/PG: DID EFF 5/24/05 Assignment: SHU Indet
 Rel Date: MEPD 2/18/2012 Reclass: 3/2008 ACTION: Retain SHU Indet
 BPH Hearing: Feb 2/2011

Inmate RIVERA appeared / refused to appear before PBSP FAC C/D SHU UCC this date for 180-Day Review. S is serving SHU Indeterminate due to his prison gang affiliation as documented on CDC 128B2 dated 5/24/05. S is an Active / Inactive / Associate / Member of the NUESTRA FAMILIA (N.F.) prison gang. S's validation was reviewed by Committee and found to meet the criteria required in CCR 3378(c). Committee acts to retain S in SHU per CCR 3341.5(c)(2)(A)2. S participated in Committee's review of his case and agreed / disagreed with Committee action. S was informed / is informed, via this chrono, that the Departmentally recognized avenues for release from SHU are through the debriefing process or through being determined to be an inactive prison gang member or associate as delineated in CCR, Title 15, sections 3378(e) and 3341.5(c)(4) and (5).

Comments:

Committee reviewed S for Inactive Gang Status as outlined in CCR 3341.5(c)(5) and noted the following:

- ☒ The last source document used in the validation process is dated Cal. 128B 6/2/01, indicating recent (within 6 years) gang activity.
- ☐ Noted is a previous Inactive Review, documented on CDC-128B dated _____, indicating S does not meet the Inactive criteria. S will be eligible for another Inactive Review active _____.
- ☐ The date of the most recent gang activity, as noted in S's file, could not be established. Refer S to PBSP IGI for evaluation of his current gang status.
- ☒ S has previously been referred to PBSP IGI for an Inactive Review, and the review is pending. ECC Action of 3/21/07
- ☐ S is pending DRB review.
- ☐ S was reviewed by the DRB on 4/30/07 with NO CONCERNS.

☐ S is double celled with inmate _____, # _____, / and states they are compatible.

☒ S has no cellmate and committee notes the "S" custody suffix has / has not previously been applied.

Committee acts to retain / affix the "S" suffix

☐ because S has not successfully completed the compatibility review for double celling in PBSP SHU.

☒ due to Possible Safety concerns

☒ S is advised, via this chrono of the Committee's decision and his right to appeal.

☐ S was advised of Committee's decision and his right to appeal this Committee action and that it must be submitted within 15 working days of this date, whether he has received the CDC Form 128G Classification chrono or not.

BPH Initial / Documentation # _____ / Subsequent # _____ Hearing scheduled in 1/2011

Next scheduled Committee will be 3/2008 for Annual Review.

MEMBERS:

Chairperson

R. Johnson F.C.
Print Name/Title

M. Peña CCI
Print Name/Title

Recorder

B. Flowers CCI
Print Name/Title

CC: ☐ OBIS ☐ CSR ☐ IGI ☐ PSYCH ☐ G&PR ☐ MED ☐ OTHER _____

Committee Date: 9/25/07 Classification FAC C/D SHU UCC 180-DAY REVIEW PBSP-SHU

7/14/2004 15:27:14 DEPT. OF

STATE

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State of California

Department of Corrections and Rehabilitation
CDC Form 69INMATE/PAROLEE ~~DISCIPLINARY~~ APPEALS SCREENING FORM

Name: PABLO PBSP Log #: D28079
 Number: D28079 Housing: D4 102

YOUR APPEAL IS BEING REJECTED/CANCELLED AND RETURNED FOR THE FOLLOWING:

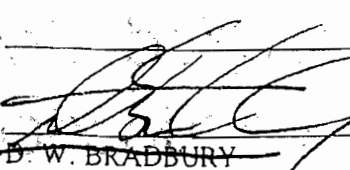
Screening Appeals Rejection Criteria:

- ☐ 1. The resolution is not within CDC's jurisdiction. See CCR, Title 15, Sections 3084.2(e) and 3084.3(c)(1).
- ☐ 2. The appeal duplicates the inmates previous appeal. See CCR, Title 15, Section 3084.3(c)(2).
☐ (a) Your appeal has been screened out on _____ for _____
☐ (b) Your appeal is being reviewed at the _____ Level, Log # _____
☐ (c) Your appeal has been completed at the _____ Level, Log # _____
- ☐ 3. The appeal concerns an anticipated action or decision. See CCR, Title 15, Section 3084.3(c)(3).
- ☐ 6. The appeal exceeds the 15 working days time limit, and the inmate has failed to offer a credible explanation as to why he could/did not submit the appeal within the time limit. See CCR, Title 15, Sections 3084.2(c), 3084.3(c)(6), and 3084.6(c).
- ☒ 8. Abuse of the Appeal Process/Right to Appeal.
☐ (a) Excessive filings. Submission of more than one non-emergency appeal within a seven-calendar-day period is excessive. See CCR, Title 15, Section 3084.4(a).
☐ (b) Inappropriate statements. The Appeal contains false information, profanity, or obscene language. The appeal is rejected. See CCR, Title 15, Section 3084.4(b).
☐ (c) Excessive verbiage. Appeal cannot be understood or is obscured by pointless verbiage or voluminous, unrelated documentation. See CCR, Title 15, Section 3084.4(c).
☐ (1) Only allowed 1 added page, front and back, to describe the problem and action requested in Sections A and B, per CCR, Title 15, Section 3084.2(a)(1).
☐ (2) Only supporting documentation necessary to clarify appeal shall be attached to the appeal, per CCR, Title 15, Section 3084.2(a)(2).
☐ (d) Lack of cooperation. Appellant refused to cooperate and/or interview with the reviewer which has resulted in cancellation of the appeal, per CCR, Title 15, Section 3084.4(d).
☐ (1) Your appeal was screened out and returned to you with instructions:
☐ ☐ ☐
☒ (e) Failed to reasonably demonstrate the decision, action, policy, or condition as having an adverse affect upon the inmate's welfare, per CCR, Title 15, Section 3084.1(a).
☐ (f) This is a request for information. It is not an appeal. Write a note (GA-22, Request For Interview form or CDC-7362, Medical Request form).
- ☐ 9. Cannot appeal on behalf of another inmate/person. See CCR, Title 15, Sections 3084.2(d) and 3084.3(c)(7).
- ☐ 10. Issue resolved at previous level of Appeal review. See CCR, Title 15, Sections 3084.3(c)(8) and 3084.4(d).

Comments: _____

DEC 22 2006

Date


 D. W. BRADBURY
 Appeals Coordinator

This screening decision may not be appealed unless you can support an argument that the above is inaccurate.
 In such a case, please return this form to the Appeals Office with the necessary supporting information.

PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE

PBSP (Rev. 02/06) CCR 3084.3(d) PBSP

INMATE/PAROLEE APPEAL FORM

CDC 802 (12/87)

UNIT D-4

Location: Institution/Parole Region

Log No.

Category

1. **PBSP**

2. _____

1. _____

2. _____

5/15
"STAMPING"
DEFACING PERSON

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME PIÑA PABLO	NUMBER D-28079	ASSIGNMENT SHU	UNIT/ROOM NUMBER D-4 102*
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A. Describe Problem: **THIS IS IN RESPONSE TO THE NOVEMBER 18TH MEMORANDUM ON THE STAMPING OF ALL OUT GOING 1ST CLASS MAIL WITH A RED "D-4 SHU" IDENTIFICATION MARK. THE MEMO WAS APPROVED AND SIGNED BY ASSOCIATE WARDEN SCAVETTA. THE IMPLEMENTATION OF THIS NEW POLICY AND PROCEDURE IS NOT IN COMPLIANCE WITH PROCEDURES THAT PRISON OFFICIALS MUST COMPLY WITH BEFORE IMPLEMENTING A NEW RULE AND REGULATION AS OUTLINED IN O.A.L. PROCEDURES. AND THE COMPLETE DISREGARD FOR A PERSON'S LETTER TO FAMILY-FRIENDS-LOVED ONES BY PLACING A RED STAMP ACROSS THE WRITTEN PAGES, AND THE SAME STAMP ACROSS ANY ART WORK THAT IS MAILED OUT OF THE SHU. THIS HAS NOTHING TO DO WITH A SECURITY INTEREST. THE MAIL IS READ BEFORE BEING MAILED OUT. MAIL IS READ WHEN IT COMES IN TO THE PRISON AGAIN.**

If you need more space, attach one additional sheet.

B. Action Requested: **IN C.C.R. TITLE 15 ARTICLE 4 SECTIONS 3130, 3131, 3132, 3133, 3135, 3136, ALL DESCRIBE THE POLICIES OF HOW PRISONERS MAIL SHOULD BE HANDLED, THEN THERE ARE THESE IN SECTIONS, 3138, 3139, AND 3147, (6); THE PRISON HAS MORE THAN ENOUGH RESTRICTIONS ON SHU OUTGO MAIL AND SOME PROCEDURES THEY DON'T NOTIFY PRISONERS OF. THERE IS NO REASON FOR DEFACING OUR PERSONAL MAIL, EXCEPT TO INFLECT FURTHER INFREINGEMENT OF OUR PERSONAL MAIL.**

Inmate/Parolee Signature: **Pablo Piña** Date Submitted: **12/3/06**

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

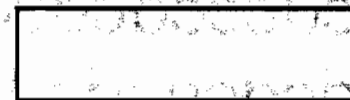
Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number:

Board of Control form BC-1E, Inmate Claim

DEC 04 2006

DEC 13 2006



State of California

Memorandum

Date : November 13, 2006

To : All Security Housing Unit Staff

From : Department of Corrections and Rehabilitation
Pelican Bay State Prison, P.O. Box 7000, Crescent City, CA 95532-7000

Subject : **PROCESSING OF ALL OUTGOING AND INSTITUTIONAL MAIL**

Effective immediately, staff processing outgoing mail from the Security Housing Unit will ensure the mailing and all its contents are stamped with red ink indicating the unit of origin. Only red ink shall be utilized to not interfere with the readability of the inmates' writing in state-issued black ink. This process shall include all institutional mail. The following instructions will be adhered to when processing this mail:

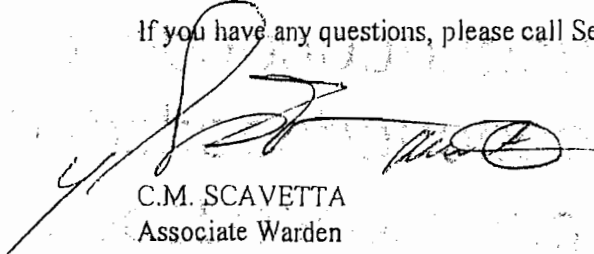
- **First class mail:** This mail will be stamped on the outside of the envelope and all contents of the envelope. Each page of the letter will be stamped through the writing diagonally to prevent any third party mailer from removing the mark and photocopying the correspondence for forwarding. The envelope of each mailing shall be stamped to the left of the intended recipient's address. Caution must be utilized not to stamp over the intended address so there is no interference with the United States Postal Service processing.
- **Legal mail:** Only the outside of the envelope will be stamped, preferably on the reverse side across the seal.
- **Postcards:** Process the same as First Class mail.
- **Institutional mail:** The reverse of the form utilized may be stamped. If the form utilized by the inmate is double-sided, then discretion will be used in the location of the stamp to not interfere with the processing of the form. U-Save-Em envelopes must have the contents stamped the same as First Class mailings.

All mailings or correspondence leaving the unit must be stamped. Therefore, it is advised only unit staff will be allowed to accept mail or forms for mailing. If unit visitors find it necessary to accept mail or forms from an inmate, unit staff will ensure the mailing or form is stamped prior to leaving the unit.

Staff are reminded that this process is implemented for tracking the point of origin of each mailing and discretion shall be utilized at all times to not deface or alter the mailing itself.

Attached to this memorandum are examples of preferred locations for stamp placement.

If you have any questions, please call Sergeant J. Beeson at extension 9086.


C.M. SCAVETTA
Associate Warden
Security Housing Unit

Attachments

cc: J. Beeson

STATE OF CALIFORNIA
GA-22 (9/92)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE JAN 5TH 07	TO CONTROL BOOTH OFFICER 1ST WATCH	FROM (LAST NAME) PIÑA P.	CPE NUMBER D-28679
HOUSING D-4	BED NUMBER 102*	WORK ASSIGNMENT	JOB NUMBER FROM TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I DON'T KNOW IF YOU'RE A REGULAR UP IN CONTROL BOOTH, BUT I HAVE SOME QUESTIONS THAT MAYBE YOU COULD ANSWER AND CLARIFY A FEW THINGS FOR ME. BESIDES IT ISN'T LIKE YOU HAVE A LOT TO DO BUT LOOK AT YOUR LITTLE CELL TOO. SO HERE IS WHAT IM ASKING.

1) I'D LIKE TO SEND SOME LEGAL MATERIAL OUT TO HAVE SOMEONE TYPE IT UP. AND MAIL IT BACK IN BUT IF YOU PLAN ON PUTTING A STAMP ON IT OVER THE WRITTEN LEGAL MATERIAL ITS GOING TO DAMAGE IT. MAKE IT HARDER TO READ AND COPY IT PROPERLY. SO IS IT A MUST TO PUT STAMP ON WRITING? 2) IM ALSO WANTING TO KNOW ABOUT HOW YOU PUTTING STAMP ON ART WORK. SEE IN THE MEMO IT DONT SAY ANYTHING ABOUT STAMPING ART WORK DOES IT? 3) AND LAST IM SENDING YOU A COPY OF A PHOTO SO YOU COULD STAMP IT EXACTLY HOW YOU DO IT SO I CAN SEE HOW YOU

INTERVIEWED BY

DATE

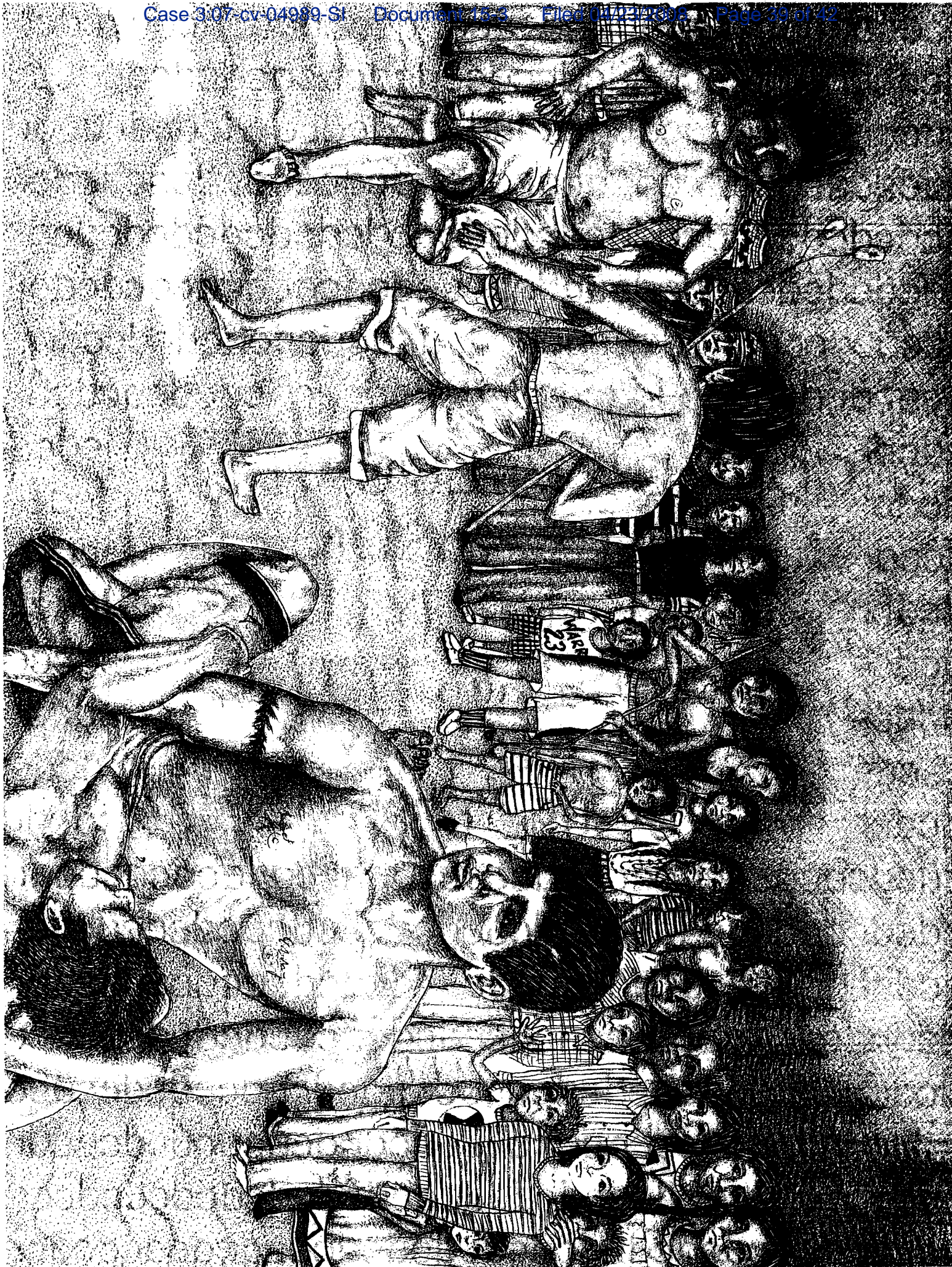
THANK YOU
FOR YOUR TIME

DISPOSITION

PELICAN BAY S.H.U.
UNIT D-4

NOTE
(SEE BOTH SIDES)







PELICAN BAY S.H.U.
UNIT D-4

602 APPEAL:

NEW POLICY REGARDING MAIL.

I'M AWARE THAT I HAVE THE RIGHT TO APPEAL ANY CDC ACTION THAT ADVERSELY AFFECTS ME OR MY RIGHTS.

THIS IS A RIGHT THAT IS DESCRIBED IN THE C.C.R. TITLE IS UNDER ARTICLES. SECTION 3084.1,

THE REASONS FOR THE FILING OF THE APPEAL ARE QUITE CLEARLY EXPAINED IN THE 602. AND PERTAINS TO NOT JUST ARTWORK, BUT TO THE DEFACING OF PRISONERS PERSONAL MAIL, AND MOST IMPORTANT OF ALL IS THE FACT THAT THIS POLICY WAS MERELY PUT INTO EFFECT WITHOUT FIRST HAVING IT GO THROUGH THE PROCESS OF GOING THROUGH THE (OAL).

SO THAT BEING SAID, THIS POLICY CANT BE LEGITIMATE WE ALL KNOW THERES A LEGAL FORUM FOR REVIEWING OF AND APPROVING NEW PROCEDURES.

THIS 602 APPEAL SHOULD HAVE BEEN FORWARDED TO ASSOCIATE WARDEN SCAVETTA FOR HER INFORMAL REVIEW.

Respectfully

PIÑA P.

D-28079

PELICAN BAY J.H.U.

Department of Corrections and Rehabilitation
CDC Form 695INMATE/PAROLEE APPEALS SCREENING FORM
UNIT D-4NAME: PABLO, PINA CDC #: D28079 HOUSING: D4 102

YOUR APPEAL IS BEING RETURNED FOR THE FOLLOWING REASON(S):

- ☐ 4. In violation of the CCR, Title 15, Sections 3084.2(b), 3084.3(c)(4) & 3084.5(a)(1), you failed and must attach evidence that shows you attempted to get an Informal resolution, prior to the appeal being assigned to the Formal Level(s) of appeal review. If a staff member fails to respond after 10 working days, use the Chain of Command and submit the Appeal to that staff member's supervisor, or unit/area supervisors.

<input type="checkbox"/> Counselor	<input type="checkbox"/> PBSP R&R	<input type="checkbox"/> Med Clinic	<input type="checkbox"/> Records
<input type="checkbox"/> Unit Officer	<input type="checkbox"/> PSU Property	<input type="checkbox"/> Dental Clinic	<input type="checkbox"/> Inmate Assignments
<input type="checkbox"/> Mail Room	<input type="checkbox"/> PBSP SHU Prop.	<input type="checkbox"/> Psych Office	<input type="checkbox"/> PBSP Trust Office
<input type="checkbox"/> Law Library	<input type="checkbox"/> Food Services	<input type="checkbox"/> Med Records	<input type="checkbox"/> Plant Ops
<input type="checkbox"/> Work Supervisor	<input type="checkbox"/> Other		

- ☒ 5. You have not adequately completed the CDC Form 602, or have not attached the proper documents. Follow instructions and attach the items noted below, send what documents you have, or explain why they are not available per the CCR, Title 15, Section 3084.3(c)(5):

<input type="checkbox"/> Supporting Documents & Receipts	<input type="checkbox"/> CDC 1845 Disability Verification
<input type="checkbox"/> GA 22 Request For Interview	<input type="checkbox"/> CDC 1824 Reasonable/Accommodation
<input type="checkbox"/> CDC 115 Results With final dispo	<input type="checkbox"/> CDC 7362 Health Care Required Co-Pay
<input type="checkbox"/> CDC 115 IE/DA information/Report	<input type="checkbox"/> CDC 128-C Medical Chrono
<input type="checkbox"/> CDC 115 Supplemental Reports	<input type="checkbox"/> Cell Search Slip
<input type="checkbox"/> CDC 114-D Lockup Order	<input type="checkbox"/> Property Inventory Receipt
<input type="checkbox"/> CDC 1030 Confidential Disclosure	<input type="checkbox"/> CDC 143 Property Transfer Receipt
<input type="checkbox"/> Lab Results Sheet	<input type="checkbox"/> Package Inventory Slip
<input type="checkbox"/> CDC 7219 Medical Report	<input type="checkbox"/> Proof of Ownership/Value
<input type="checkbox"/> CDC 128-A	<input type="checkbox"/> More Specific Information
<input type="checkbox"/> CDC 128-B	<input type="checkbox"/> Trust Statement
<input type="checkbox"/> CDC 128-G	<input type="checkbox"/> CDC 193 Trust Acct Withdrawal Order
<input type="checkbox"/> CDC 629A/629B Assess SHU Term	<input type="checkbox"/> Legal Status Summary
<input type="checkbox"/> CDC 812/A/B Critical/Enemy	<input type="checkbox"/> Abstract of Judgment (AOJ)
<input type="checkbox"/> CDC 839/840 Class/Reclass Score	<input type="checkbox"/> CDC 1858[PC 148.6/CCR 3391(d)] Info.Advis.
<input type="checkbox"/> CDC 958 Restoration Request	<input type="checkbox"/> Emerg. Unwarranted CCR 3084.7(a)(2)(A)
<input type="checkbox"/> CDC 1819 Correspondence Denial	<input type="checkbox"/> Failed to Complete Section
<input checked="" type="checkbox"/> Other <u>EVIDENCE OF DEFACING</u>	<input type="checkbox"/> Sign & Date Section
<u>ARTWORK</u>	<input type="checkbox"/> CDC Form 602

- ☐ 7. The issue has been resolved, PBSP Appeal Log No. _____ A copy of the Second (Warden's) Level of Appeal review is attached per the CCR, Title 15, Section 3084.2(g)(1)(2)(3).

- ☐ 8. Abuse of the appeal procedure: _____

Comments: _____

C. E. WILBER
Appeals Coordinator

DEC 11 2006
Date

This screening action may not be appealed unless the above reasons are inadequate and the Inmate can provide supporting evidence against the screening decision.

PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE

DEC 04 2006